MTAC MOTOR TRANSPORT ASSOCIATION OF CONNECTICUT, INC.

MICHAEL J. RILEY
PRESIDENT

Statement of Michael J. Riley
President
Motor Transport Association of Connecticut
Before
The Joint Committee on The Judiciary
March 24, 2010

Re: Senate Bill No. 481 AN ACT CONCERNING SEAT SAFETY BELT EVIDENCE AND MEDICAL EXAMINATIONS IN PERSONAL INJURY ACTIONS.

I am Michael J. Riley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents around 1,000 companies that operate commercial motor vehicles in and through the state of Connecticut. Our membership includes freight haulers, movers of household goods, construction companies, distributors, tank truck operators and hundreds of companies that use trucks in their business and firms that provide goods and services to truck owners.

MTAC SUPPORTS THE CONCEPT EMBODIED IN THIS BILL

1. Section 1 of this bill permits the introduction of evidence of whether an occupant was wearing a seat safety belt at the time of personal injury in an action to recover damages for the purpose of determining the cause of injury or as a mitigating circumstance.

   This is the language in the bill:

> (3) In any civil action to recover damages for personal injury as a result of negligence in the operation of a private passenger motor vehicle, the trier of fact shall determine whether any occupant of such motor vehicle was wearing a seat safety belt in accordance with this section at the time of such personal injury. Evidence of failure to wear a seat safety belt may be admissible in such action for the purpose of determining the cause of such personal injury and may be considered as a mitigating circumstance in the award of damages.

As written, this bill applies only to suits for damages resulting from the negligent operation of a private passenger car, and might not clearly allow admissibility when the negligence was on the part of a truck driver, or when the accident involved two commercial vehicles and no private ones.

We suggest that the committee consider the following language which is generally broader and doesn't restrict admissibility.

Section 1. Subdivision (3) of subsection (c) of section 14-100a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010, and applicable to actions filed on or after said date*):

Failure to wear a seat safety belt shall [not be considered as contributory negligence nor shall such failure] be admissible evidence in any civil action TO PROVE NEGLIGENCE AND MAY SERVE TO REDUCE THE LIABILITY OF AN INSURER OR OF ANY PARTY TO THE ACTION.

2. Current Connecticut law and the Federal Motor Carrier Safety Regulations require drivers of both cars and trucks to wear seat belts. These are good laws. These seat belts protect occupants of motor vehicles from the serious injuries which may result from motor vehicle accidents. For many years, Motor Transport Association of Connecticut has been a strong supporter of the national "Click it or Ticket" campaign. We believe that seatbelts are important safety equipment and that people who foolishly fail to use them should be fined.

   Often injuries, of persons who do not wear seat belts, are much more severe than those where the seat belt is used. The failure to wear a seat belt is an act of negligence and this negligence often results in more extensive injuries and increases in the medical and liability costs of many accidents.

3. Current Connecticut law states that "Failure to wear a seat safety belt shall not be considered as contributory negligence nor shall such failure be admissible evidence in any civil action."

4. There are two principals of public policy which are contradictory and they should be reconciled. In other actions to recover damages for personal injuries (not involving seat belt use), a person's failure to provide for their own safety can be considered by the trier of fact. Violation of the law, especially when that violation could result in increased injuries, should at least be allowed to be considered by a judge or jury.

   Other persons should not be held accountable for negligence which results in more extensive injuries resulting from the failure to use seat belts, on the part of injured persons.